OUTLINE OF THE RESEARCH THESIS

Historical Background of Constitution Development and the Indian Constitution - A study

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Outline of the Research thesis to be submitted for the Registration of Ph.D. Degree in History Under the Faculty of Humanities SRTMUN, Nanded.

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Preface:-

History is the codified account of the homogeneous behavior of human ancestors as a whole, and of the coherent trails of the same homogeneous behavior. In the other word, it is an assessment of the event that took place in the past, and the same purpose history is researched, written and studied.

At present there are many advance disciplines of study but, where the study of human behavior take place as a whole, it is matter of history or a branch of study called 'History' That is why History is called " The origin of all sciences " And therefore, one has to study an event in the human past and a coherence of that transaction and reach on positive conclusion from coherence so that it will be useful in one's future life. For this purpose past aspect of human beings should be studied from a historical point of view and the therapeutic point of view and it needs to happen, that is why research of a historical subject written and studied and need to be done.

There are three period of Indian History- Ancient, Medieval and Modern. If we look at the ancient Indian history we can see the Socio-Religious, Political and Technical aspects of the Indian Society, and the same pattern of Medieval and Modern history too. But in every age and stages of the development of Indian Society according to this principle, appear to be somewhat primary, some secondary and somewhat tertiary developed.

Apart from some unforgivable flaws of Indian society, in ancient history, ancient Indian society has been evolving over time. In ancient

Indian history, different social and political conditions emerged at different stages of different periods and become richer. Then there are different forms of Political systems from Indus Civilization to North Vedic period, from North Vedic period to Kushan period, form Kushan period to Gupta period, from Gupta period to Harshavardhans career.

The same situation is more or less in Medieval times, but Medieval Indian History seems more and more full of power struggle. However, Medieval period is not as Modern Indian History Because in Modern Indian history as scientific or technical changes took place education and social changes led to eradication of colonialism and the Emergence of the concept of an independent nation.

Later, after getting started the Modern period of Indian history, the arrival of British, British trade, Briton's quanquer on the native ruler, achieved the power by Briton, power imposed on Indian. The struggle of Indian for freedom from the imposed power and capitalism the formation of India as a nation.

What is the Democracy :-

" Democracy is a system of government run by the people for the people as a form of government." In others words Democracy mean " Which laws, policies, leadership and major undertakings of a state or other polity unit directly or indirectly decided by the people." Through the Indian Constitution to govern India as a nation. Democracy is of two kinds, one is the form of a monarchial representative, and second is the form of Republic. A form of Republic has two meaning – first, political Sovereignty

is in the hands of the people and not in the hands of single person, such as a king or a Queen, and second meaning that, there is no any special empowered class in republic.

What is the Historical Background :-

It means, in the modern democratic nation of India, the form of government appears as ' Republican' But this Republican concept or Republican form of government is not a gift given by any other country or a (borrowed thing) accepted by India from any other country. Or not it is replica of any nation's form of government. The existence of the word ' Republic ' rooted in ancient Indian history. Ancient Indian society has not only experienced but also lived the Republic process. In other words constitution of India not moulded or developed as sudden however It has step by step and sequencely development process from 1773 to 1947. It has a British ruling era legacy or step by step development heritage. by this way step by step historical background of the Indian constitution developed and emerged as Indian constitution.

In ancient Indian history, the existence of Republican system of government is in the Indus valley or in foothills of Himalayas in eastern Uttar Pradesh and Bihar. In the republican the real power is united in the tribal class For example, during the Budhas period or in later period were more or less For example, ' The Sixteen Mahajanpadas' emerged, during the Buddhas period or in later period were more or less Republic. 'Vajji republic, 'Shakya republic; Licchavi republic those are another example of Republicans.

Republic government system in ancient Indian Society :-

The administrative system of 'Shakya republic ' and the Licchavi Republic' was simple and straightforward. It consisted king, Deputy king, General, Treasurer and storekeeper. In the Republic of Licchavi there were 7 courts by higher and lower order and hearing taken places one after another. In any case during the Buddha's period some kingdom were not run by dynastic kings but by those who responsible for the meetings. Thus, although the people living in the ancient republics do not consumed equal political power. The traditional of the Indian republic is as old as the Buddha's time.

What is the constitution :-

Such as in Ancient time the form of government was a republic. Just like that, Democratic republic was adopted after India became independent in 1947. After Indian getting independent it decided to prepare the framework of rule for run the government. These rules mean an ideological framework. This ideological framework means the document called the 'constitution' and Basic framework of the governing body. And this basic framework is called the 'Indian Constitution'. In other word constitution mean an aggregate of fundamental principles or established precedents that constitute the legal basis of a polity or organization other type of entity and commonly determine how that the entity is to be governed mean by it is constitution.

This Indian constitution has historical background just as, the concept of " Republic " has a ancient Indian historical background. the same way the constitutional legal binding has a Modern Indian historical background because from the time British came to India, till the independence of India, India was under the British rule Because British people established their power over India. Indian government and Administration were run by the British people. But since British power established Indian society Knew annoyance, Injustice, suppression of British Ruler then Indian started to confront against Briton, made different demands, as part of those all demands Indian people had the only demand that was – we the people and the society of India want that, we all India and Indian society get liberate from British political slavery and give the freedom to India and secondly we Indian people want our own constitutional development to run our country by us.

Since the Nehru Report of 1928, People have been demanding of the Autonomy and constitution, Considering this statutory demand, Briton decided to give the political reforms to the Indian and from time to time they made a agreement with the Indian. As part of this agreement, the Briton passed various laws. As the way of self government for Indian as a constitutional binding law, Regulating Act, 1773. This law considered to be the basic foundation of Indian constitution. Under this Act, the East India Company's administration was brought under control of the Governor General of India as well as Bengol. Similarly, Pits Indian Act, 1784, was passed. By this law to oversee the Indian administration established the Board of control.

In the same way, later various laws were passed For example, The Act of 1788, The Act of 1793, The Act of 1813, The Act of 1833, The Act of 1853, The Act of 1858, The Act of 1861 and from this law in Indian the Legislature came into the existence. Further, the Act of 1892. The Morley Minto Act 1909, The Montague Chelmsford Act 1919 and then the most important law means The Act of Indian Government 1935. In this act involved various things like, federal system of government, united judiciary, public service commission, emergency provision, the posts of Government, administration details and the three lists. And then finally came the Cabinet Mission 1946. It was decided as planned in 1946 to make the constitution by election members in the form of on the basic of representative.

Election process and constitute of constitutional assembly :-

As per the cabinet Mission, in July 1946 election was held for the constitution assembly. As per the election, the Congress got 208 seats, Muslim League got 73 seats and reaming seats went to the one party each and out the total seats, 15 got to the women and thus, Constitutional Assembly was formed. There were 389 members in constitutional Assembly out of them 292 members elected from British provinces. 4 members elected from the chief commissioner and 93 members elected as 6 representative of the Indian colonists.

In this way the Constitutional Assembly was formed and the first meeting of Constitutional Assembly was held on 9th December 1946. 211 members were attended this meeting. In the first meeting the Sachidanand Sinha was made as the interim chairman by the Constitutional Assembly.

After that immediately on 11th December, Dr. Rajendra Prasad became the permanent President and H.C. Mukharji became vice president and Sir B.N. Rao became the Advisor of the constitutional Assembly.

Division of constitution assembly into different sub –committees :-

There were several sub- committees, of them 8 sub-committees was important. Jawaharlal Nehru had Federal Right committee. Sardar Vallabhbhai Patel had Provincial Constitutional. Dr. Ambedkar had Draft committee. Under the Federal Right committee Nehru proposed a preface of objectives on 13th December and it was passed on 22nd January 1946. A few days later on 29th August 1946 under the chairmanship of Dr. Ambedkar the Drafting committee was established. On here the work of the Constitutional Assemble began.

The process of drafting the constitution involved many scholar member from different caste, religions, creeds and sects, Among them there were Sardar Vallabhbhai Patel, Pandit Jawaharlal Neharu, Dr. D.R. Ambedkar, Alladi Krishanaswami, N. Gopal Swami Iyengar, Samaprasad Mukharaji, P.S. Deshmukh, Durgabai Deshmukh etc. were honorable members. In all these members, there were many arguments, disagreements, differences of opinion on difference issues. An issue was discussed and finalized before the final decision.

Thus the process of constitution making was developing. Many members of the constitution Assembly were influenced by the international democratic nations and the democratic principles of those nations on the Indian constitution. For example, the influence of democratic nations like

Japan, USA, England, France, Canada, Russia and Australia and their democratic principle were influenced on the Indian Constitution.

Process and contents of constitution :-

The constitution Assemble was working for 165 days. But the total duration was 2 years 11 months and 18 days. The total expenditure for all the work of the constitutional Assembly was Rs. 64 Lakhs. A total 11 meeting of the constitutional Assembly was held for the purpose of working. Later, on 26th November 1949. Indian constitution accepted as Indian constitution.

There are 8 schedule 22 parts, 395 Articles and 105 constitutional Ammndments till now in the original constitution and included a number of issues or elements and hundreds of principles for a strong and prosperous India. And Democratic union state and parliamentary system of government were accepted by the Democratic Republic. And this is the most comprehensive, multi-facted, beautiful written constitution of independent India has came into existence on 26th November, 1949 and this constitution came into force on 26th January, 1950.

Basic grounds of the constitution :-

Such a constitution had or still has various creative bases and try to proven that basic it means research of relevant subject.

1) The Democratic republican system that accepted by India is not a foreign thing or not a borrowed thing from another nation. The republican system has rooted in Indian history.

2) The legal framework of Indian constitution has colonial heritage or colonial background.
3) The 18^{th} and 19^{th} centuries are centuries of inter-national developments that is why in different nation. Social, religious, political and economical changes were happening or upheavaling All these international events reflects on Indian constitution.
4) In India since the emergence of 'Nationalist Sentiment' till India became independent the leadership of India and their thinking and ideology is reflected on Indian constitution for ex., The influence of socialism is reflected in the directive principles of the Indian constitution.
5) There also appears as a part of international event of UN commission of Human Right Philosophy.
6) It also the basis of various sources was taken for the construction of strong and prosperous India and positive elements were adopted through various sources.
7) The Indian constitution emphasizes on individual freedom as the life the individual is important in the overall conduct of human beings. And through the constitution, an attempt has been made to establish social, economic and political democracy in the country.
8) At the same time, despite the diversity of religions, races, creeds, castes in India, efforts have been made to establish the ideal unity in that diversity.
9) The constitution of India contains as many positive and nutritious elements as possible for a strong and prosperous India at that time.

10) Today Indian marks the 71th anniversary of the completion of the constitution, but to what extend has the constitution of India been implement during these 71 years? This too needs to be studied

Objectives of Research:-

There is a definite purpose behind any research work and according to that definite purpose any actions takes place. At the same way here are following objectives of the research.-

1) To find out the basis of historical principles in Indian constitution.
2) To find out the reason why India needed a constitution.
3) To study the background of the constitution composition.
4) To study the process of constitution composition.
5) To study international events that influence on Indian constitution.
6) To study the various sources of constitution composition.
7) To study of the various principles of constitution composition.
8) To study the characteristic of the constitution.
9) To study the constitution in post- independent India.

Hypothesis of Research:-

Every research have some definite Hypothesis and it must have. So that the undertaken research can be in scientific way. The research Hypothesis according to this principle are as follows.

1) The Indian constitution is a historical Democratic republic.
2) The influence of Congress Movement on making of constitution.
3) The influence of international events on making of constitution.
4) The influence of socialism on constitution.

5) The influence of UN Human Right commission on making of constitution.
6) Emphasis one individual freedom in constitution.
7) The bases of various sources in the constitution for a strong India.
8) The Indian Constitution propose the social, religious, political, economical Democracy.
9) Indian Constitution is an ideal for 'Unity in Diversity'
10) In Indian Constitution there is a gross principles for making India unite.

Importance of Research:-

Everything that happens in human behavior is accumulated in history and that is why history is root of all science. And there is something that we learn from history. So has to look at what has happened from a historical point of view because a holistic subtle study approach is obtained. This research on the subject will shed new light on the historical study of the constitution. And that's why some new historical basis of the constitution, the creation process in constitution the most important principles and their application will came to a positive conclusion. The constitution has been studies from various angles but has not been studies from holistic and historical point of view and it would be better so that the study of the Radical structure of the constitution will bring out some future useful facts. At the same time, 71 years have passed since the implementation of the constitution. In these 71 years, where how and what was implement in the constitution. These sub- plan facts also will at the same time, if research is

done from historical point of view some question and their answers will have arisen on the constitution. Through the applied study of constitution we will reach to a beautiful conclusion of how the constitution was really applied.

Pre-research review of related research:-

It is important to review the pre-research of the relevant subject before reaching the conclusion by conducting in depth research of the related subject Pre-research review As follows-

1) Research – Nagama G. Nangade. Guide – Dr. I.S. Vidhyasagar Subject- Evolution and Basic Principle of Indian Constitution University – Gulbarga University 2017.

Here, the relevant researcher has tried to show that, from the various chapters obtained by the British monarchy for trade to the British company, from the arrival of the company in India to the Queen's Declaration for India to the second world war, the total number of laws enacted by the British as Political reforms for Indian for ex., 1861, 1862 and how all these laws related to the Indian Constitution and how the Indian constitution is framed.

2) Research – Sudhir Kapoor, Guide – Dr. Monica Shrivastav, Subject- Constitutional feature of the Republic in Ancient India, University – Dr. Ram Manohar Lohiya National Law University Lakhanaw, Feb-2017.

Here, the relevant researcher what tried to show that, what is the word 'democratic republic' is in the constitution today, how the word was related to the ancient republic of India, how it was E.g. The Vedic Republic,

Dvevaraj Constitution, Swayanraj Constitution, Arajya Constitution, Kapil Vastu's Shakya Prajasttak Constitution and 16 Mahajanpadas, Budha's Democratic teaching, Democratic Philosophy of 'Kautilya's 'Arthshtra', Foregn invasion.

3) Researcher – Kumari Vijaya Mathur, Guide – Unyal Ganesh Prasad, Subject – A study of British policy towards Indian continuity problems from 1942 to 1946. The researcher has tires to shed A light on the historical constitutional development that took place between 1940 and 1946 and show these development have to do with constitutional development. This is an attempt to show.

Research in the subject presented:-

All the three of above researcher have studies of related events of making of constitution but there have not study entirely because the above researchers tried to show only historical background or only historical connection of the constitution. However, the researcher all aspects of the constitution. E.g. The historical background of constitution making, formation of constitutional Assembly. The process of constitutions making, important principal of constitution, and the principle of the historical connection. Most important this research is likely to be of future use as it is intended to be a systematic study of the constitution. And that is why this research

Method of the Research:-

The research method of the related subject is the primary reference source research method and the secondary reference source research

method. The reference research method is based on the research of the related subject.

The Chapter list of research:-

Chapter 1 - Indian Constitution as historical Democratic republic

Chapter 2 - The process of Constitution making during the colonial Period.

Chapter 3 - Political Unification of India & India as a nation.

Chapter 4 - Formation and Composition of Constitutional Assembly.

Chapter 5 - The process of Constitution making

Chapter 6 - Development of constitution in post – independent India.

Chapter 7 - Epilogue of research.

Year wise plan of Research

Proposed year wise plan is for projected for five year from 2022 to 2026 by following procedure.

First year :- Overall Structural study and facts collection.

Second year :- Work on first two chapter.

Third year :- Work on Second two chapter.

Fourth year :- Work on Third two chapter.

Fifth year :- Work on last two chapter.

Reference list of Research:-

National Archeology - Delhi

Bhopal Archeology - Bhopal

Mumbai Archeology - Mumbai

1) Research Methodology - Dr. Sudhir Bodhankar

			Sainath Publication, Nagpur.
2)	Research Methodology Scripture & Technique	-	Pradip Aaglave, Vidhya Publication, Ruikar Marg, Nagpur.
3)	Social Research Method	-	A.A. Kulkarni, Controller Publisher Committee, Maharashtra, Vidhyapith Granth Nirmiti Mandal Nagpur
4)	Ancient India	-	R.S. Sharma
5)	Wonder that was India	-	A.L. Basham.
6)	Ancient India	-	D.N. Zha
7)	Early India	-	Romila Thapar
8)	Medieval India	-	Shatish Chandra
9)	Modern India	-	Sumit Sarkar
10)	World History	-	Jain and Mathur
11)	India Struggle for Independence	-	Bipin Chandra
12)	India After Independence	-	Bipin Chandra
13)	Constitution of India	-	Subhash C. Kashyap
14)	Our Constitution	-	Subhash C. Kashyap
15)	Our Parliament	-	Subhash C. Kashyap
16)	Constitution of India	-	D.D. Basu
17)	Indian Polity	-	M. Lakshmikant
18)	Indian Polity	-	Ranjan Kolambe
19)	Indian Polity	-	B.L. Bhole

20)	Medieval India	-	J.L. Mehata
21)	Modern India	-	Grover and Grover
22)	N.C.E.R.T. Books	-	N.C.E.R.T. Council Delhi
23)	Commentary on the Constitution of India	-	D.D. Basu
24)	Cases on the Constitution of India	-	D.D. Basu
25)	Introduction to the constitution Of India	-	D.D. Basu

Magazines :-

1)	Pratiyogita Darpan	-	Pratiyogita Darpan Group Upkar Publication, Agra
2)	Chronicle	-	Civil Services Cronical Publication, Delhi
3)	Yojna	-	Publication Department Govt.Of India
4)	Kurukshetra	-	Publication Department Govt. of India.
5)	India Air Book	-	Publication Department Govt. of India

Newspaper :-

1) The Indian Express
2) Times of India
3) The Hindu
4) Loksatta

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